IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2829 OF 2007

Ashok Chindu Deore & Ors. ...Petitioners

Versus

Balu Chindhu Deore & Ors. ...Respondents

Shri Haridas for the Petitioners.

CORAM : ABHAY S.OKA, J.
DATED : JUNE 05, 2007.

P.C.:

1. The Petitioners are the original Plaintiffs. The suit filed by the Petitioners was dismissed on merits on 30th November, 1999. In the year 1999 itself the Petitioners preferred an Appeal. On 17th August, 2005 an Application for amendment of the plaint was made by the Petitioners in the pending Appeal. The said Application has been rejected by the order impugned in this Writ Petition under Article 227 of the Constitution of India.

2. Considering the stage at which the Application was made, no case is made out for interference in a Writ Petition under Article 227 of the Constitution of India at this stage.

3. In case the Petitioners fail in Appeal, while challenging the decree passed in Appeal, they can always challenge the legality and validity of the impugned order in the proceedings which they file for challenging the decree passed by the Appellate Court.

4. Subject to what is stated above, Writ Petition is rejected.

JUDGE